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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Argentina,* Armenia,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Chile,* Croatia, Cyprus,* Denmark,* Finland,* France,* Germany, Honduras,* Hungary, Iceland,* Italy,* Japan, Latvia, Lithuania,* Luxembourg,* Mexico,* Monaco,* Montenegro,* Morocco,* Netherlands, Norway,* Panama, Peru,* Poland,* Portugal, Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine,* United Kingdom of Great Britain and Northern Ireland, Uruguay:* draft resolution

36/... Enforced or involuntary disappearances

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right to liberty and security of person, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolutions 7/12 of 27 March 2008 and 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances, as well as Council decision 25/116 of 27 March 2014, and Council resolutions 21/4 of 27 September 2012 and 27/1 of 25 September 2014,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced

* State not a member of the Human Rights Council.

Disappearance as a body of principles for States, Assembly resolution 61/177 of 20 December 2006, by which it adopted the International Convention for the Protection of All Persons from Enforced Disappearance, which came into force on 23 December 2010, and Assembly resolution 70/160 of 17 December 2015,

Recalling further that no one shall be subjected to enforced disappearance and that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearances,

Welcoming the fact that 96 States have signed the International Convention for the Protection of All Persons from Enforced Disappearance and that 57 States have ratified or acceded to it, and recognizing that its implementation is a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

Recalling the high-level meeting of the General Assembly held on 17 February 2017 to commemorate the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

Welcoming the launch by the United Nations High Commissioner for Human rights of an international campaign for the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, provides for the guarantee of access to information concerning the whereabouts of the person deprived of liberty to any person with a legitimate interest in such information, and sets out obligations for the State party to take appropriate measures in this regard,

Taking note with interest of the recommendation made by the Working Group on Enforced or Involuntary Disappearances that more assistance should be provided to family members and members of civil society in order to enable them to report alleged cases of enforced disappearances to the Working Group, given that, in a large number of cases, the underreporting of cases of enforced disappearances remains a major problem owing to various reasons including, inter alia, fear of reprisals, weak administration of justice, poverty and illiteracy,

Taking note with interest also of the most recent thematic reports prepared by the Working Group, including the study on enforced or involuntary disappearances and economic, social and cultural rights[1] and its report on enforced disappearances in the context of migration,[2]

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity as it is defined by the Rome Statute of the International Criminal Court,

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[1] See A/HRC/30/38/Add.5.

[2] A/HRC/36/39/Add.2.

Welcoming the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances, as well as the decision of the Assembly in its resolution 65/196 of 21 December 2010 to proclaim, pursuant to the recommendation made by the Human Rights Council in its resolution 14/7 of 17 June 2010, 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, and its call upon Member States, the United Nations system and other international and regional organizations, national human rights institutions, civil society and other relevant stakeholders, to observe these days,

Acknowledging that many States cooperate with the Working Group, including by responding favourably to its requests for visits to their countries,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so as a matter of priority, and to consider as well the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

2. *Calls upon* States to cooperate with the Working Group on Enforced or Involuntary Disappearances and to respond favourably to its request for visits;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States interested in becoming parties to the Convention, while recognizing that a significant number of States support universal ratification;

4. *Takes note with appreciation* of the reports of the Working Group,[1] and encourages States to give due consideration to the comments and recommendations contained therein;

5. *Welcomes* the important work undertaken by the Working Group to address all situations of enforced disappearances;

6. *Encourages* the Working Group to continue to explore issues regarding enforced disappearances and to continue to submit reports to the Human Rights Council, in accordance with its mandate;

7. *Welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, as well as with other relevant special procedures and treaty bodies, within the framework of their respective mandates, and encourages them to continue their cooperation in the future;

8. *Decides* to extend the mandate of the Working Group for a further period of three years, in conformity with the terms set forth in Human Rights Council resolution 7/12;

9. *Calls upon* States that have not provided substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

[1] A/HRC/33/51 and A/HRC/36/39.

10. *Encourages* the Working Group, in accordance with its working methods, to continue to provide concerned States with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for concerned States to cooperate with the Working Group;

11. *Requests* the Secretary-General to continue to provide the Working Group with all financial and human resources necessary to enable it to carry out fully its mandate;

12. *Decides* to continue consideration of the question of enforced disappearances in accordance with its programme of work.